

*Decision 5*

**Dr. Peter Sokoloski**  
**30 King St**  
**Brantford, Ontario**

**ALLEGATIONS OF PROFESSIONAL MISCONDUCT**

- ◆ Contravened a standard of practice or failed to maintain the standards of practice of the profession (para. 1).
- ◆ Prescribed, dispensed or sold a drug for an improper purpose, or otherwise used improperly, the authority to prescribe, dispense or sell drugs (para. 10).

**BRIEF SYNOPSIS OF FACTS**

- ◆ During a 21-month period, Dr. Sokoloski, an oral and maxillofacial surgeon, wrote at least 27 separate prescriptions, totaling 228 Fentanyl patches for one patient. For that patient’s common-law spouse, Dr. Sokoloski wrote at least 16 prescriptions totaling approximately 116 Fentanyl patches over an 18-month period.
- ◆ There was no dental treatment rendered by the member which would justify these prescriptions.
- ◆ The patients were known drug users.

**DECISION**

**Finding**

The member pleaded guilty and was found guilty with respect to the above allegations.

**Penalty**

- ◆ Reprimand
- ◆ Suspension of certificate of registration for 9 months (April 1, 2014 - December 31, 2014)
- ◆ Course in Professional Ethics
- ◆ Practice Restriction – shall not prescribe Fentanyl or Fentanyl patches to patients\*
- ◆ Monitoring of practice for 36 months

*\*Member may prescribe Fentanyl for office use only to be used during the course of performing IV sedation, but it may not be prescribed in any form to patients for post-operative pain or otherwise.*

**Costs/Publication**

- ◆ Costs awarded to the College in the amount of \$7,500.
- ◆ Member to pay monitoring costs.
- ◆ Pursuant to the legislation, publication of this matter includes the member’s name and address.

**Panel’s Reasoning**

- ◆ The penalty was a joint submission reached following a pre-hearing conference.
- ◆ The panel extensively deliberated with respect to the joint submission, as the panel questioned the governability of the member.
- ◆ The panel was concerned that the member had previously been found guilty of professional misconduct by a Discipline Committee in 2008 on unrelated conduct but that the current misconduct took place only two and a half years later and while another aspect of his practice was still being monitored by the College.
- ◆ With a change to length of the monitoring, which was agreed to by the parties, the panel accepted the joint submission on penalty as it was satisfied that it met the objectives of protecting the public, serving as a specific deterrence to the member and general deterrence for the profession, rehabilitating the member and maintaining public confidence in the profession.
- ◆ Specifically, the reprimand, length and terms of the suspension and publication of the decision address the penalty objective of deterrence for both the member and the profession.
- ◆ The course in ethics and practice monitoring serve to remediate the member and protect the public.

- ◆ In addition, the prohibition from prescribing Fentanyl or Fentanyl patches for post-operative pain management, further serves to protect the public.
- ◆ The panel viewed the following as aggravating circumstances:
  - The member was found guilty of professional misconduct by a Discipline Panel in 2008.
  - While still being monitored by the College, he began the repeated and prolonged period of writing prescriptions for Fentanyl patches for two of his patients.
  - The member prescribed Fentanyl patches for one patient who was known to be taking OxyContin and Percocet each day and ibuprofen as needed and he should have known the risks not only for addiction but for adverse health outcomes these prescriptions could have caused.
  - That the member admitted to prescribing Fentanyl patches for these patients for chronic back pain, which is outside of his scope of practice.
- ◆ The panel viewed the following as mitigating circumstances:
  - The member ultimately accepted responsibility for his actions and with his guilty plea eliminated the need for a lengthy hearing.
  - By entering into an agreed statement of facts and joint submission on penalty, the member has reduced the time and costs associated with a full hearing.
  - The member limited his inappropriate prescribing practices to only two patients and did not benefit financially or in any other way from his actions.